

**NORTH MARIN WATER DISTRICT
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
December 20, 2022**

CALL TO ORDER

President Fraites announced that due to the Coronavirus outbreak and pursuant to the Brown Act as modified by Assembly Bill 361, this was a virtual meeting. President Fraites called the regular meeting of the Board of Directors of North Marin Water District to order at 6:04 p.m. and the agenda was accepted as presented. President Fraites added that there was not a public location for participating in this meeting, but any interested members of the public could participate remotely by utilizing the video or phone conference dial-in method using information printed on the agenda. President Fraites announced that in the event of technical difficulties during the meeting, the District Secretary will adjourn the meeting and the remainder of the agenda will be rescheduled for a future special meeting which shall be open to the public and noticed pursuant to the Brown Act.

President Fraites welcomed the public to participate in the remote meeting and asked that they mute themselves, except during open time and while making comments on the agenda items. President Fraites noted that due to the virtual nature of the meeting he will request a roll call of the Directors. A roll call was done, those in remote attendance established a quorum. Participating remotely were Directors Jack Baker, Ken Eichstaedt, Rick Fraites, Michael Joly and Stephen Petterle.

President Fraites announced that all public attendees will be invited to speak and will need to use the raised hand icon in Zoom or dial *9 to be called upon.

Mr. Williams performed a roll call of staff, participating remotely were; Tony Williams (General Manager), Terrie Kehoe (District Secretary), Eric Miller (Assistant GM/Chief Engineer), Julie Blue (Auditor Controller), Robert Clark (Operations/Maintenance Superintendent), Chris Kehoe (Interim Construction/Maintenance Superintendent), Avram Pearlman (Associate Engineer) and Rebecca Sylvester (Receptionist/Customer Service Assistant). Nancy Holton (Accounting Supervisor) also participated remotely.

President Fraites requested that for those joining the virtual meeting from the public to identify themselves and there was no response.

MINUTES

On motion of Director Joly seconded by Director Baker, the Board approved the minutes with minor edits from the December 6, 2022 Regular Board Meeting by the following vote:

AYES: Director(s) Baker, Fraiters, Joly and Petterle

NOES: None

ABSTAIN: Director Eichstaedt

ABSENT: None

On motion of Director Petterle seconded by Director Joly, the Board approved the minutes from the December 6, 2022 Special Board Meeting by the following vote:

AYES: Director(s) Baker, Fraiters, Joly and Petterle

NOES: None

ABSTAIN: Director Eichstaedt

ABSENT: None

On motion of Director Petterle seconded by Director Joly, the Board approved the minutes from the December 13, 2022 Special Board Meeting by the following vote:

AYES: Director(s) Baker, Fraiters, Joly and Petterle

NOES: None

ABSTAIN: Director Eichstaedt

ABSENT: None

GENERAL MANAGER'S REPORT

Mr. Williams informed the Board that on December 8th he participated in a quarterly Sonoma-Marin Drought Meeting. He stated that the focus of this meeting was on the impacts on the agricultural community. Mr. Williams added that it was also a chance to receive any updates from MMWD and Sonoma Water.

Mr. Williams announced that after the December 6, 2022 Closed Session and in accordance with direction he received from the Board, an offer was made to and accepted by Eileen Mulliner for the Executive Assistant/District Secretary position starting next year. He added that he will bring a formal appointment memorandum to the Board in light of Terrie's last day of February 3rd.

Mr. Williams announced that on behalf of all the staff he wanted to welcome our new Director, Ken Eichstaedt.

Mr. Williams reported that from staff's perspective, there is no need for a January 3rd Board meeting which is listed as "tentative" on the approved calendar. He asked the Director to let him know if there is a desire to have this meeting, otherwise an official cancellation at the end of the week will be sent out. Mr. Williams noted that an in-person Special Meeting will be held on January 11th in Point Reyes Station to celebrate Gallagher Well No. 2.

President Fraités asked if there were any comments or questions from the Directors and there were none.

President Fraités asked if there were any comments or questions from the public and there was no response.

OPEN TIME

President Fraités asked if anyone from the public wished to bring up an item not on the agenda and there was no response.

STAFF/DIRECTORS REPORTS

President Fraités asked if any Directors or staff wished to bring up an item not on the agenda.

Mr. Kehoe announced that on December 9th a contractor doing work off Robinhood Drive in Novato punched through an eight-inch main while doing direct drilling for a new utility. He reported that roughly 100,000 gallons of water was lost and the District crew was able to respond and repair the leak quickly. Mr. Kehoe stated that since that time the District has received a damage claim from the residence at 86 Robinhood Drive to repair his walkway.

Director Joly asked why our own staff did not know where the main was located. Mr. Kehoe replied that the marks were off about four feet from where staff assumed it was located, noting the District has no detailed as-built drawings for this area. He added that the main was located between the "S" turn in the road, making it difficult to locate the pipe. In addition, Mr. Kehoe noted that the contractor did not do any potholing to confirm the location of the main, which is why they hit it. Mr. Williams also noted that it was a telecom third party contractor doing the work not a District contractor. Director Baker acknowledged that we may not have the drawings if we didn't put the main in, and asked if there was any way we could have done something other than pothole to locate the pipe. Mr. Kehoe replied that potholing would have been the best choice, and even though the contractor was unsure of the location of the main they decided to go ahead with the work anyway. Director Baker stated that other contractors sometimes make a lot of

assumptions, especially around a curve and not a straight line. He asked if the County or City could require potholing and make it a requirement as part of the blanket encroachment permit. Mr. Kehoe stated that staff warned the contractor to pothole and if they were unsure of the pipeline location to tell us. Director Baker stated that especially when there are curved streets like Robinhood, whoever issues the encroachment permit should make it a requirement to pothole. Director Baker asked if the homeowners claim was against the District. Mr. Kehoe confirmed, that the damage was caused from the water eroding the pathways and caused a tree to fall over. He noted that the damage was minimal and the homeowner was very understanding. Director Baker asked if the homeowner sued the contractor. Mr. Kehoe replied that he was not aware of any lawsuit. Mr. Williams added that this was just a claim for damage and the District is accustomed to this after a significant break. Director Baker asked and if the District hires a company to do directional drilling for us, and Mr. Kehoe confirmed. Director Baker noted that there is some risk when using a directional drill.

Director Fraites mentioned that there has been some contemplation about starting the Board Meetings earlier, possibly around 4:00 p.m. He added that this topic will be discussed at a later date.

CONSENT CALENDAR

Director Joly removed Item 9 from the Consent Calendar for additional discussion.

On the motion of Director Joly, and seconded by Director Baker the Board approved Item 7 and Item 8 on the Consent Calendar by the following vote:

AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

ITEM #7 - RE-AUTHORIZING MEETINGS BY TELECONFERENCE OF LEGISLATIVE BODIES OF NORTH MARIN WATER

The Board approved Re-Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District. Resolution 22-34 will extend the continuation of teleconference meetings effective December 20, 2022 through January 19, 2023 pursuant to Brown Act provisions.

ITEM #8 – NOTICE OF COMPLETION FOR OLD RANCH ROAD TANK NO. 2 PROJECT (MAGGIORA & GHILOTTI)

The Board authorized the General Manager to execute and file a Notice of Completion for Old Ranch Road Tank No. 2 project. Per the contract documents, Maggiora & Ghilotti has

furnished written notice that the work is complete, that all subcontractors and equipment suppliers have been paid and has released the District of all claims.

ITEM #9 – AMEND CONSULTING SERVICES AGREEMENT – WOOD RODGERS

The Board authorized the General Manager to amend the General Consulting Services Agreement with Wood Rodgers for an additional \$25,000.

After the Board approved Items 7 and 8 of the Consent Calendar, President Fraites asked if there was further discussion for Item 9 from the Board.

Director Joly asked if Wood Rogers was the group that grossly miscalculated the engineering cost for the Gallagher Well No. 2. Project. Mr. Pearlman confirmed that they did underestimate the project, however it was based on historical costs and the drought and the pandemic had an effect on the increase in cost. Mr. Miller added that it was a perfect storm when staff went out to bid for the project, supply chain issues caused from the pandemic in addition to the drought caused it to be a contractor's market. Director Joly asked if staff were comfortable with Wood Rogers and the final price. Mr. Pearlman replied that he is absolutely comfortable. He added that another unique aspect of the Gallagher Well No. 2 project was that the depth was not as deep as what most well drillers are accustomed to. Director Joly stated that if our Engineering Department feels strongly that Wood Rogers is qualified that he will support to amend the services agreement. Director Petterle stated that he worked with construction projects and public bids for thirty years. He noted that sometimes there are time constraints and if you put a project back out to bid again you may get even higher bids. Director Baker added that it has been his experience that when you go out to bid a second or even a third time that you rarely get better bids. Mr. Pearlman added that during the construction of Gallagher Well No. 2, Wood Rogers also advocated for the District, and when there was an issue with the driller they stepped in and watched them onsite. Director Joly stated that he was satisfied with the explanation.

On the motion of Director Petterle, and seconded by Director Joly the Board approved Item 9 on the Consent Calendar by the following vote:

AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

ACTION CALENDAR

RESOLUTION OF APPRECIATION FOR NANCY HOLTON

Ms. Blue announced that Nancy Holton has worked for the District for thirty-six years. She stated that her Resolution of Appreciation outlines Ms. Holton's career at NMWD, and stated that

in addition to the Resolution she would like to add some sentiment of her own. Ms. Blue stated that she would like to thank Ms. Holton personally for her countless hours of hard work. She added that Ms. Holton was a stellar employee, had passion for public service and accounting, and had become a good friend and will be greatly missed. Ms. Blue noted that Ms. Holton helped to bring her up to speed when she started at NMWD and she owes her success at the District to her.

President Fraites read Ms. Holton's Resolution of Appreciation.

President Fraites asked if there were any comments from the Directors and the Board expressed their appreciation.

Director Fraites thanked Ms. Holton for her dedicated work for all these years. Ms. Holton stated that working at NMWD was a great experience and she enjoyed working with all the departments and over the years she has made a lot of great friends. Director Joly wished Ms. Holton an enjoyable retirement. Director Petterle added that he hopes she enjoys retirement as much as he has.

President Fraites asked if anyone from the public would like to speak and there was no response.

On the motion of Director Joly and seconded by Director Baker the Board approved the Resolution of Appreciation for Nancy Holton, by the following vote:

AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

EXCEPTION TO CALPERS 180-DAY WAIT PERIOD REQUIREMENT FOR RETIRING EMPLOYEE

Mr. Williams announced that just as we are acknowledging Ms. Holton retirement, we are bringing her back as an annuitant. Ms. Williams stated that Ms. Holton's service is unmatched and she is a great accountant who does excellent work with immense corporate knowledge. He added that we are very fortunate to have Nancy Williamson who will be promoted to Accounting Supervisor effective January 2nd, however we made an offer to Ms. Holton to come back as staff continues to need her input and expertise during the transition. Ms. Williams stated that this exception to CalPERS process was previously reviewed by legal labor counsel, and once it is approved, it will be submitted to CalPERS in order to bring Nancy back before the 180-day waiting period.

President Fraites asked if there were any comments or questions from the Directors and there were none.

President Fraites asked if anyone from the public would like to speak and there was no response.

On the motion of Director Petterle and seconded by Director Joly the Board approved Resolution 22-36 titled Resolution of the North Marin Water District for Exception to the 180-Day Wait Period for Hiring Retirees and the Employment Offer Letter to Nancy Holton to utilize her expertise as needed basis by the following vote:

AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

Director Joly welcomed back Ms. Holton.

BOARD COMMITTEE/ASSOCIATION ASSIGNMENTS FOR 2023

Director Fraites stated that in the past it was left up to the President of the Board to make the assignment decisions. He added that the current committee assignments for the Board of Directors are proposed to remain status quo for the 2023 year. Additionally, Director Eichstaedt was appointed as the alternate for the Russian River Public Policy Facilitation Committee; no alternate was assigned to the North Bay Water Reuse Authority, and the NMWD Drought ad Hoc Committee alternate assignment was deferred to Item #16.

President Fraites asked if there were any comments or questions from the Directors and there were none.

President Fraites asked if anyone from the public would like to speak and there was no response.

On the motion of Director Petterle and seconded by Director Baker the Board approved the Board Committee/Association Assignments for 2023 by the following vote:

AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

COMMITMENT TO PARTICIPATE IN THE MARIN COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLANNING

Mr. Miller reminded the Board that in early November there was a conversation with the Board about a resiliency plan. He stated that this item is related to that discussion and focuses

on system vulnerability to disasters. Mr. Miller added that, under Title 44 of the Code of Federal Regulation, local governments must have a Local Hazard Mitigation Plan approved by the Federal Emergency Management Agency in order to apply for and/or receive project grants under certain hazard mitigation programs. Additionally, many issues are better resolved by evaluating hazards more comprehensively by coordinating at the county, regional, and/or watershed level and it is for this reason NMWD is interested in continuing its participation in Marin County's mitigation planning efforts. Mr. Miller stated that in the past the District has benefitted from the eligibility granted to all participants under the various hazard mitigation assistance programs. Mr. Miller noted that NMWD participated in the first Marin County multi-jurisdictional Local Hazard Mitigation Plan in 2018, and it is revised every five years to reflect changes in development, mitigation efforts and priorities.

Mr. Williams added that the Letter of Commitment must be submitted to the County of Marin in order to participate in this process.

President Fraites asked if there were any comments or questions from the Directors and there were none.

President Fraites asked if anyone from the public would like to speak and there was no response.

On the motion of Director Petterle and seconded by Director Baker the Board authorized the General Manager to submit a Letter of Commitment to Marin County for participation in their Multi-Jurisdictional Local Hazard Mitigation Plan by the following vote:

AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

INFORMATION ITEMS

GALLAGHER WELL NO. 2 PROJECT – CONSTRUCTION COMPLETE

Mr. Pearlman gave a presentation and reported on the completion of construction for the Gallagher Well No. 2 project. He summarized the project and apprised the Board on lessons learned and potential future improvements.

President Fraites asked if there were any comments or questions from the Directors.

Director Baker stated that Mr. Pearlman mentioned that the Department of Water Resources (DWR) came out to the project early on and noted that they typically come after construction is over. Mr. Pearlman replied that DWR was working closely with staff and also took photos of the project during construction. Director Baker asked what their motivation was, and if

this was something they typically do during construction. He asked if it had anything to do with the appeal that may have resulted in a required documented history. Mr. Williams replied that it had nothing to do with the appeal, it was a highlighted project and under the new Small Community Drought Relief Program. He added that DWR featured the Gallagher Well No. 2 project on their website at one point, noting the grant manager did a fantastic job engaging with staff and visiting the site. Director Baker stated that the first well unfortunately did not have the production we needed, however the second well does, and asked if we used the two wells simultaneously or alternately. Mr. Pearlman replied that they can be operated simultaneously, however right now there is only enough electrical infrastructure to run one at a time. Director Baker asked if the first well connects to the same pipe across the bridge and if the new Gallagher No. 2 well zig zags over and connects. Mr. Pearlman confirmed the connection of the two wells. Director Baker asked if there should be a valve there so we can resolve any problems that could occur without interrupting the other well. Mr. Pearlman confirmed that there is a valve installed.

Director Joly commended Mr. Pearlman for a great report. He noted that Gallagher Well No. 1 is now down to 70 gpm from 170 gpm, and if the cause could bring down the production of Gallagher Well No. 2. Mr. Pearlman replied that according to the consultant both can run full capacity. Mr. Clark noted that over time there is corrosion from iron oxide in the soil. He added that the key is to alternate back and forth between wells for production. Director Joly asked if it is realistic to bring Gallagher Well No. 1 back up to 175 gpm. Mr. Pearlman replied that it seems reasonable. He noted that the north pasture well got 200 gpm and he is looking forward to what Wood Rogers recommends. Mr. Clark stated that when the Coast Guard Well was rehabilitated it did come back to full projection. He noted that the Coast Guard Well had a casing failure, so a new sleeve was installed and now it continues to produce good water flow.

Director Eichstaedt commended Mr. Pearlman for a really good report and thanked him for all his hard work. He stated that it was good to see the mechanical drawings noting the seismic resiliency.

Mr. Williams acknowledged Mr. Pearlman for doing a great job and also recognized Chris Kehoe and his crew. He noted that per the Water Code we do not have as many restrictions and limitations as other agencies, and this project illustrates the flexibility we had to do some of the work ourselves. Mr. Williams added that our own forces did the pipeline work and the well mound. He also acknowledged DWR for being a fantastic partner and who also helped NMWD secure an additional \$200,000 in grant money.

Director Fraites also thanked Mr. Pearlman and the NMWD crew, noting we had a delay, but it all came together in the end.

President Fraitres asked if anyone from the public would like to speak and there was no response.

WEST MARIN WATER SUPPLY RESILIENCY PROJECT – WORK PLAN SUBMITTED TO MARIN COUNTY

Mr. Miller reported on the West Marin Water Supply Resiliency Project and summarized the work plan submitted to Marin County. He stated that there is a need to have a more resilient water supply in the West Marin service area and this project will improve reliability by identifying and establishing a new long-term water supply that is resilient to two impacts of climate change: drought and sea level rise. Supervisor Rodoni was acknowledged as a key factor for this opportunity.

President Fraitres asked if there were any comments or questions from the Directors

Director Joly asked about the upcoming Point Reyes Treatment Plant replacement in 2030, noting that he remembered it was a substantial cost. Mr. Miller confirmed that in the Master Plan \$4M was earmarked for that project, noting that more than one project could not exist together due to the financial impact, therefore staff needs to look at which projects to prioritize.

President Fraitres asked if anyone from the public would like to speak and there was no response.

DROUGHT AD-HOC COMMITTEE

Mr. Williams reported on the Drought Ad-Hoc Committee. He stated that the Committee discussed a variety of drought related topics over the past three meetings and recommended the Board select another member from the Board of Directors to participate in and continue the efforts of the Committee. He added that Director Petterle is currently on the Committee and another member of the Board is needed to fill the vacant position.

President Fraitres stated that he would be interested in filling the position, however he would leave it open to anyone else who may be interested. Director Joly expressed interest in filling the position and President Fraitres agreed. Director Joly was appointed to fill Director Grossi's position.

President Fraitres asked if anyone from the public would like to speak and there was no response.

MISCELLANEOUS

The Board received the following miscellaneous items: Disbursements – Dated December 8, 2022, Disbursements – Dated December 15, 2022, Monthly Progress Report, 2023 TAC and WAC/TAC Meeting Schedule, Point Reyes Light - Salinity Notice –December 8, 2022, Point Reyes Light – Salinity Notice – December 15, 2022, NOAA Three-Month Outlook Precipitation

Probability, U.S. Seasonal Drought Outlook, Spoils Pile Removal, Revenue Received for Disposal of Surplus Equipment, Election of Special District Representative Class II – Sonoma LAFCO, and State of California – California Environmental Protection Agency – State Water Resources Control Board – DIVISION OF WATER RIGHTS.

The Board received the following news articles: Marin IJ – Housing proposal on track in Novato – 2031 TARGET; Marin IJ – Judy Schriebman dies; district board member – LAS GALLINAS; Marin IJ – System brings more rain to region – BAY AREA; Marin IJ – Funding bolsters wetland projects – NOVATO; Marin IJ – State virus spike puts more elders in hospital beds – COVID-19 PANDEMIC; Marin IJ – Marin’s steady rain dampens fire season – WEATHER; Marin IJ – County’s list for housing mandate – SITES IDENTIFIED; Marin IJ – Council reviews plan to meet housing edict – NOVATO; Point Reyes Light – North Marin Water calls for patience with salinity level; CBS News Bay Area – Marin County Rainfall – Water Supply; Marin IJ – Marin hospitals stressed by viruses – HIGH PATIENT DEMAND; Marin IJ – Weekend storm drops 2-3 inches in Marin spots – BAY AREA; Marin IJ – Storm delivers water boost for local reservoirs – WEATHER and Marin IJ – MMWD weighs boost in rates – GRIM FISCAL OUTLOOK.

President Fraités asked if there were any comments from the Directors and there were none.

President Fraités asked if anyone from the public would like to speak and there was no response.

ADJOURNMENT

President Fraités adjourned the meeting at 7:31 p.m.

Submitted by



Theresa Kehoe
District Secretary